

### **REMARKS**

The present Amendment amends claim 3 and leaves claims 1, 2 and 4-18 unchanged. Therefore, the present application has pending claims 1-18.

In paragraph 2 of the Office Action the Examiner requested Applicants cooperation to correct any errors which Applicants may become aware of in the specification. The specification was reviewed and amendments were made to the specification to correct minor errors grammatical and editorial in nature discovered upon review. The Examiner is respectfully requested to indicate any other errors the Examiner may be aware of so that such errors can be corrected to expedite prosecution of the present application.

Attached to the Office Action was a copy of the Information Disclosure Statement submitted on July 28, 2000 with the present application. However, there is no indication on the Information Disclosure Statement that the Examiner considered the references listed therein. An indication that such references have been considered by the Examiner is respectfully requested. The Examiner is requested to return a copy of such Information Disclosure Statement with the Examiner's initials with respect to each of the references listed.

Filed on even date herewith are Proposed Drawing Corrections to correct minor errors in the drawings discovered upon review. Entry of such Proposed Drawing Corrections is respectfully requested.

Upon review of the Office Action it was noted that the Examiner relied upon a reference to Bauman (U.S. Patent No. 6,457,101). However, Bauman was not listed

as one of the cited references on the Form PTO-892. Discussions were held with the Examiner regarding this issue. However, as of yet, Applicants have not received a corrected Office Action in which all of the references referred to in the Office Action are properly cited. Since such a corrected Office Action has not been issued it is submitted that an extension is not needed to file the present response. As the Examiner is aware since the October 1, 2003 Office Action is improper, the period for response does not begin until after a corrected Office Action as promised by the Examiner is issued. Such clearly has not occurred.

For the sake of precaution, attached to the present response is a Petition for Extension of Time. However, Applicants respectfully request that the attached Petition for Extension of Time be used if needed in order to enter the present response. However, Applicants hereby request that a refund of the fee associated with the attached Petition for Extension of Time be provided since such Extension of Time is not necessary as indicated above.

Claims 1-18 stand rejected under 35 USC §102(e) as being anticipated by Bauman. Bauman is not an appropriate reference to be used for anticipatory purposes to reject the claims of the present application since the present application claims a priority date of July 30, 1999 which predates the effective date of December 20, 1999 of Bauman. Therefore, the 35 USC §102(e) rejection of claims 1-18 as being anticipated by Bauman is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

To perfect Applicants' claim of priority a certified copy of the Priority Document was filed on July 28, 2000 along with the present application. To further

perfect Applicants claim of priority filed on even date herewith is a Sworn English Translation of the Priority Document.

Therefore, based on the above, Applicants respectfully request the Examiner to reconsider and withdraw the 35 USC §102(e) rejection of the claims based on Bauman.

Applicants note that during the prosecution a claim of priority and an alleged priority document was filed in the present application on February 1, 2001. It is submitted that the claim of priority submitted on February 1, 2001 was not a claim of priority for the present application. This claim of priority was intended instead to have been filed in application Serial No. 09/726,557, filed December 1, 2000, now U.S. Patent No. 6,567,355. The submission on February 1, 2001 was an inadvertent error and as such the February 1, 2001 claim of priority and priority document should be removed from the prosecution history of the present application and submitted in application Serial No. 09/726,557. This claim of priority and priority document relates to Japanese Patent Application No. 11-344238, filed in Japan on December 3, 1999. As can be seen from the Declaration of the present application the claim of priority is relative to Japanese Patent Application No. 11-216614, filed on July 30, 1999 in Japan. A certified copy of said document was submitted at the time filing of the present application on July 28, 2000.

The Examiner's full cooperation is respectfully requested to correct the prosecution histories of the respective files.

In view of the foregoing amendments and remarks, Applicants submit that claims 1-18 are in condition for allowance. Accordingly, early allowance of claims 1-18 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.38828X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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Carl I. Brundidge  
Registration No. 29,621

CIB/jdc  
(703) 312-6600